IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

SPL. APPL. WRIT No. 822 of 2007

STATE & ANR.
V/S
AMBA LAL & ORS.

Mr.BL BHATI,GA, for the appellant / petitioner

Mr. SANJAY NAHAR, for the respondent

Date of Order : 1.11.2007

HON'BLE SHRI N P GUPTA,J.
HON'BLE SHRI MUNISHWAR NATH BHANDARI,J.

ORDER

Heard learned counsel for the parties.

Perused the impugned order. It is informed by the learned counsel for the appellant workman that workman has been taken back on job and has also been paid 50% backwages as awarded by the Tribunal.

In that view of the matter, the only question requires to be considered is about the direction given by the Tribunal about the continuity of service of workman. Suffice it to say that the reference was made only on account of workman having been removed from the service in violation of Section 25 F of the Industrial Disputes Act that having been found to be violated,reinstatement order has been ordered. There is no occasion for giving direction for treating continuity of service in view of the judgment of the Hon'ble Supreme Court in the matter of Smt.

Umadevi Vs. State of Karnataka 2006 [4] JT 420. The appeal is, therefore, dismissed with clarification that the findings given by the Tribunal shall stand deleted in regard to the continuity of service.

(MUNISHWAR NATH BHANDARI),J. (N P GUPTA),J.

mamta